

REMARKS

Claims 1-4, 6-10 and 14 are pending in this application. By this Amendment, claims 1, 6-8 and 14 are amended and claims 5, 11-13 and 15-25 are canceled without prejudice or disclaimer.

This Amendment is in response to the Advisory Action dated December 6 and a telephone conference between Examiner Iqbal and applicant's representative, Mr. Oren, on December 8. The above amendments to claims 1 and 6-8 correspond exactly to the September 20 amendments, which have already been considered by Examiner Iqbal. Claim 14 has also been rewritten into independent form. The Advisory Action clearly states that these amended claims 1-4, 6-10 and 14 have overcome the rejection based on Basu. In order to expedite prosecution, claims 11-13 and 15-25 have been canceled.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance, for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal should an appeal be necessary. In particular, the Examiner has already considered these amendments and indicated that claims 1-4, 6-10 and 14 have overcome Basu. No further consideration is necessary. As stated in the September 20 response, the amendment to claim 1 includes features of previous claim 5, and each of claims 7 and 8 are rewritten into independent form. The amendments to claim 6 is merely for clarity and/or antecedent basis.

Thus, no further search and/or consideration is necessary. Entry is proper under 37 C.F.R. §1.116.

The Office Action rejects claims 1-3 and 5-9 under 35 U.S.C. §102(e) by U.S. Patent 6,097,733 to Basu et al. (hereafter Basu). The Office Action also rejects claims 10, 11, 13-15, 17-20 and 22-25 under 35 U.S.C. §103(a) over Basu and further in view of U.S. Patent Publication 20020114301 to Yee et al. (hereafter Yee). The Office Action also rejects claims 4, 12, 16 and 21 under 35 U.S.C. §103(a) over Basu and further in view of Yee and U.S. Patent 5,960,039 to Martin et al. (hereafter Martin). The rejections are respectfully traversed with respect to the pending claims 1-4, 6-10 and 14, as agreed upon in the Advisory Action.

Independent claim 1 recites determining an occupied bandwidth of each of a plurality of channels of a transmission link occupied by other connected calls and dynamically allocating the data call among the plurality of channels based on the traffic attribute and the occupied bandwidth. Independent claim 1 further recites that a mobile switching system subtracts an occupied channel bandwidth from a maximum allowable channel bandwidth to determine whether there is a minimum available bandwidth in each channel, and allocates the channel having the least occupied bandwidth if no channel has the minimum available bandwidth. Certain features of independent claim 1 were previously recited in claim 5.

Further, independent claim 7 recites determining an occupied bandwidth, dynamically allocating the data call and a mobile switching system allocates a channel having the least

available bandwidth if a requested bandwidth of the data call is greater than a prescribed bandwidth and the channel having an available bandwidth exists.

Still further, independent claim 8 recites determining an occupied bandwidth, dynamically allocating the data call and a mobile switching system allocates a channel having the least occupied bandwidth if a requested bandwidth of the data call is smaller than a prescribed reference bandwidth and the channel having an available bandwidth exists.

Basu does not teach or suggest these features as alleged in the Office Action. The Office Action appears to assert (on pages 7 and 8) that the steps shown in Basu's Figure 7 correspond to the claimed features of determining an occupied bandwidth of each of a plurality of channels of a transmission link occupied by other connected calls. However, this is incorrect. That is, the alleged steps of Basu's Figure 7 do not teach or suggest determining an occupied bandwidth of each of a plurality of channels. Rather, as clearly shown in steps 710 and 728, a default level of multi-media bandwidth is allocated. Thus, there is no suggestion for determining an occupied bandwidth of each of a plurality of channels occupied by other connected calls, as recited in independent claim 1.

The Office Action also appears to rely on Basu's column 5, lines 10-25 as showing dynamically allocating the data call among the plurality of channels based on the traffic attribute and the occupied bandwidth. Still further, in addressing previous claim 5, the Office Action asserts that Basu teaches features regarding subtracting an occupied channel bandwidth from a maximum allowable channel bandwidth to determine whether there is a minimum available

bandwidth in each channel, and allocates the channel having the least occupied bandwidth if no channel has a minimum available bandwidth. The Office Action references Basu's column 2, lines 33-47; column 3, line 38-column 4, line 2; and column 13, line 55-column 14, line 30. However, these sections do not relate to these claimed features. For example, Basu's col. 2, lines 33-47 relate to achieving a minimum transmission rate. Basu's col. 6, line 38-col. 4, line 2 relate to meeting a "grade of service." Additionally, Basu's col. 13, line 55-col. 14, line 30 relates to bandwidth shortfall. These do not teach or suggest the claimed features. As such, independent claim 1 defines patentable subject matter. Further, the Advisory Action indicates that claim 1 has overcome the rejection based on Basu.

In addressing claim 7, the Office Action asserts that Basu's column 2, lines 33-47, column 3, line 38-column 4, line 2, column 7, lines 10-30, and column 13, line 55-column 14, line 30 teaches the claimed features. However, these sections do not relate to allocating a channel having a least available bandwidth if a requested bandwidth of a data call is greater than a prescribed bandwidth and the channel having an available bandwidth exists. That is, these sections do not relate to a least available bandwidth if a requested bandwidth of the data call is greater than a prescribed bandwidth and the channel having an available bandwidth exists. Thus, independent claim 7 defines patentable subject matter at least for this reason. Further, the Advisory Action indicates that claim 7 has overcome the rejection based on Basu.

In addressing claim 8, the Office Action asserts that Basu teaches the claim 8 features. However, the Office Action does not appear to address any specific section of Basu. Basu does

not teach or suggest all the features of independent claim 8 relating at least to allocating a channel having the least occupied bandwidth if a requested bandwidth of the data call is smaller than a prescribed reference bandwidth and the channel having an available bandwidth exists. Thus, independent claim 8 defines patentable subject matter at least for this reason. Further, the Advisory Action indicates that claim 8 has overcome the rejection based on Basu.

Additionally, in view of the statements in the Advisory Action, claim 14 is rewritten into independent form including features of claims 11 and 13. Thus, independent claim 14 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 7, 8, and 14 define patentable subject matter. Claims 2-4, 6, 9 and 10 depend from claim 1 and therefore define patentable subject matter at least for this reason.

For at least the reasons set forth above, each of claims 1-4, 6-10 and 14 define patentable subject matter. Withdrawal of the outstanding rejections is respectfully requested.

CONCLUSION

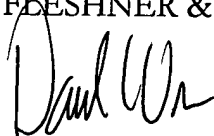
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-4, 6-10 and 14 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

Serial No. 09/738,309
Reply to Office Action dated June 21, 2004

Docket No. P-0156

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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